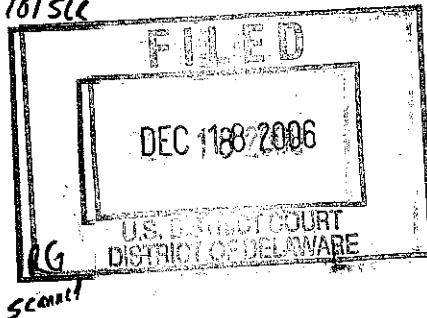


Office of the Clerk

United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

OFFICIAL BUSINESS

OCCv701SLC



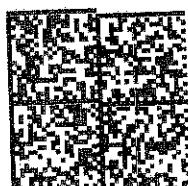
RG
SEARCHED

Charles Barley
621 West 4th Street
Wilmington, DE 19802

06cv701-SLR

A INSUFFICIENT ADDRESS
 C ATTEMPTED NOT KNOWN
 S NO SUCH NUMBER/ STREET
 - NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

049J82023030
\$00.870
12/13/2006
Mailed From 19801
US POSTAGE



RTS
RETURN TO SENDER

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

**TO: MAILROOM PERSONNEL RESPONSIBLE FOR DELIVERING MAIL TO
INMATES**

Enclosed you will find an envelope addressed to an inmate. When the envelope is delivered to the inmate, please have the inmate fill in the date at the place provided on the acknowledgment form directly below these instructions, and have the inmate sign their name to acknowledge that they received the correspondence. The person delivering the mail should then sign on the line designated for "Witness." If an inmate should contend they never received a communication from the Court, production or non-production of the receipt will be considered by the Court in disposing of the inmate's contention. ***For this reason, mailroom personnel are cautioned to organize, file and save the receipts so that the same can be readily found if the issue should arise.*** The operating head of each institution is aware of this procedure. **PLEASE DO NOT SEND COMPLETED RECEIPTS TO THE DISTRICT COURT.**

ACKNOWLEDGMENT OF RECEIPT OF MAIL

I, _____, do acknowledge by my signature below, that I received on _____, an envelope from the U.S. District Court for Delaware, containing:

issued by the Court on _____

(Witness)

(Recipient)

Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

OFFICIAL BUSINESS

~~INMATE UND~~ ~~INMATE RELEASED~~ ~~INMATE RELEASED~~

COMPLETED
DECEMBER 04, 2006

DEC 04 2006

Charles Barley
SBI #141273
Howard R. Young Correctional Facility
1301 East 12th Street
Wilmington, DE 19801

Utility Events

1:06-cv-00701-UNA Barley v. Williams et al

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 11/29/2006 at 2:56 PM EST and filed on 11/29/2006

Case Name: Barley v. Williams et al

Case Number: 1:06-cv-701

Filer:

Document Number: No document attached

Docket Text:

Case assigned to Judge Sue L. Robinson. Please include the initials of the Judge (SLR) after the case number on all documents filed. (rjb)

1:06-cv-701 Notice has been electronically mailed to:

1:06-cv-701 Notice has been delivered by other means to:

Charles Barley
SBI #141273
Howard R. Young Correctional Facility
1301 East 12th Street
Wilmington, DE 19801

Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

OFFICIAL BUSINESS RETURN TO SENDER
NO INNATE BY THIS SPELLING
ENCLOSURE UNAUTHORIZED

COMPLETED
JOS

Charles Barley
SBI #144273
Howard R. Young Correctional Facility
1301 East 12th Street
Wilmington, DE 19801

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

**TO: MAILROOM PERSONNEL RESPONSIBLE FOR DELIVERING MAIL TO
INMATES**

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ACKNOWLEDGMENT OF RECEIPT OF MAIL

I, _____, do acknowledge by my signature below, that I received on _____, an envelope from the U.S. District Court for Delaware, containing:

issued by the Court on _____

(Witness) _____ (Recipient) _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHARLES BARLEY,)
)
 Plaintiff,)
)
 v.) Civ. No. 06-701-SLR
)
 RAFIEL WILLIAMS,)
 DR. CONNOLY/CONNOLIN,)
 WILLIAM JOYCE, and DR. HERSHEY,)
)
 Defendants.)

ORDER

1. The plaintiff Charles Barley, SBI #141273, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Consistent with 28 U.S.C. § 1915(a)(1) and (2), the plaintiff has submitted: (1) an affidavit stating that he has no assets with which to prepay the filing fee; and (2) a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the above-referenced complaint. Based on the plaintiff's submissions, his request to proceed in forma pauperis is granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$350.00 and shall be required to pay an initial partial filing fee of 20 percent (20%) of the greater of his average monthly deposit or average monthly balance in the trust fund account.

4. In evaluating the plaintiff's account information, the Court has determined that the plaintiff has an average account balance of \$62.15 for the period (8/1/06 thru 10/31/06) preceding the filing of the complaint. The plaintiff's average monthly deposit is \$56.34 for the period (8/1/06 thru 10/31/06) preceding the filing of the complaint. Accordingly, the plaintiff is required to pay an initial partial filing fee of \$11.37, this amount being 20 percent (20%) of \$56.84, the greater of his average monthly deposit and average daily balance in the trust fund account for the period (8/1/06 thru 10/31/06) preceding the filing of the complaint. **Therefore, the plaintiff shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward the \$11.37 initial partial filing fee and subsequent payments to the Clerk of the Court. FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE. NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Upon receipt of this order and the authorization form, the Warden or other appropriate official at Howard R. Young Correctional Facility, or at any prison at which the plaintiff is or may be incarcerated, shall be required to deduct the \$11.37 initial partial filing fee from the plaintiff's trust account, when such funds become available, and forward that amount to the Clerk of the Court. Thereafter, absent further order of the Court, each time that the balance in plaintiff's trust account exceeds \$10.00, the Warden or other appropriate official at Howard R. Young Correctional Facility, or at any prison at which the plaintiff is or may be incarcerated, shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's trust account and forward that amount to the Clerk of the Court.

6. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED: 11/30/06

Mark L. Robinson
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHARLES BARLEY,)
)
 Plaintiff,)
)
 v.) Civ. No. 06-701-SLR
)
 RAFIEL WILLIAMS,)
 DR. CONNOLY/CONLIN,)
 WILLIAM JOYCE, and DR. HERSHY,)
)
 Defendants.)

AUTHORIZATION

I, Charles Barley, SBI #141273, request and authorize the agency holding me in custody to disburse to the Clerk of the Court the initial partial filing fee of \$11.37 and the subsequent payments pursuant to 28 U.S.C. § 1915(b) and required by the Court's order dated , 2006.

This authorization is furnished to the Clerk of Court in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$350.00. I also understand that the entire filing fee may be deducted from my trust account regardless of the outcome of my civil action. This authorization shall apply to any other agency into whose custody I may be transferred.

Date: , 2006.

Signature of Plaintiff

Other Orders/Judgments

1:06-cv-00701-SLR Barley v. Williams et al

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 11/30/2006 at 3:59 PM EST and filed on 11/30/2006

Case Name: Barley v. Williams et al

Case Number: 1:06-cv-701

Filer:

Document Number: 4

Docket Text:

ORDER granting Motion to Proceed IFP. Filing Fee of \$350.00 Assessed. An initial partial filing fee of \$11.37 shall be required. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form)Notice of Compliance deadline set for 1/5/2007.. Signed by Judge Sue L. Robinson on 11/30/06. (fmt)

1:06-cv-701 Notice has been electronically mailed to:

1:06-cv-701 Notice has been delivered by other means to:

Charles Barley
SBI #141273
Howard R. Young Correctional Facility
1301 East 12th Street
Wilmington, DE 19801

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1079733196 [Date=11/30/2006] [FileNumber=309115-0
] [6c831e0e12d3f7499f60955ba1328dc6f66b94d79d4eeb1f6d5ba7e493bc638bfdd
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UNITED STATES DISTRICT COURT

District of DelawarePlaintiff
V.NOTICE, CONSENT, AND ORDER OF REFERENCE—
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGECase Number: 06-701-SLR

Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____ United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.